

# **EXHIBIT B**



Jessica Mariani &lt;jessica.mariani@lacity.org&gt;

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**Re: Matthews motion to reconsider/ motion for leave to amend**

1 message

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**William Claiborne** <claibornelaw@gmail.com>

Tue, Nov 7, 2023 at 5:12 AM

To: Arlene Hoang &lt;arlene.hoang@lacity.org&gt;

Cc: Jessica Mariani &lt;jessica.mariani@lacity.org&gt;, Jovan Blacknell &lt;jovan@fight4justice.com&gt;

Hi Jessica and Arlene

I have given more thought to the motion to reconsider and the motion for leave to amend

I alleged a municipal policy/ practice based on facts I thought I knew at the time of the amended complaint based in part on representations from the City Attorney. I learnt a few weeks before the order granting the motion to dismiss – based on new facts I learnt in discovery – that the policy is different from what I had alleged. I still think it is unconstitutional but I also believe the Judge will still find it constitutional.

**I would like to move to reconsider just the part of the order dismissing without leave to amend so I can move to amend the complaint just to correctly state the facts of what the policy/ practice actually were. these are the only allegations I will change. I plan to attach a copy of the proposed amended complaint and portions of the Penson transcript to the motion to reconsider**

If I do not do this, I will be filing an appeal based on allegations that I know do not accurately reflect the actual policy/ practice in place. So I would get an order based on allegations that do not really state the policy.

If you want to discuss further let me know

Thanks

Chaz

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